

REMARKS

I. Summary of Office Action

Claims 1 and 2 were pending in the above-identified application.

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter in the present invention.

Claims 1 and 2 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mankovitz, U.S. Patent No. 5,559,550 (hereinafter "Mankovitz") in view of Alexander et al., U.S. Patent No. 6,177,931 (hereinafter "Alexander"). The Examiner has further rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Mankovitz in view of Lett et al., U.S. Patent No. 5,592,551 (hereinafter "Lett").

II. Summary of Applicants' Reply

Applicants have amended claim 1 in order to more particularly define the claimed invention, and have canceled claim 2 without prejudice. Applicants have further added new claims 3-25. No new matter has been added by the introduction of new claims 3-25 or by the amendment to claim 1, and all of the presently pending claims are fully supported by the specification. The Examiner's rejections are respectfully traversed.

III. Applicants' Reply to the Rejections
of the Claims under 35 U.S.C. § 112

The Examiner rejected claims 1 and 2 under 35 U.S.C. § 112, second paragraph, for being indefinite. In particular, the Examiner rejected claim 1 for insufficient antecedent basis for the "generator," "program data" and "on screen program guide" as claimed. Applicants have amended claim 1 to correct or obviate the deficiencies in the claim as indicated by the Examiner. In addition, applicants have canceled claim 2 without prejudice.

Accordingly, applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

IV. Applicants' Reply to the Rejections
of the Claim under 35 U.S.C. § 103(a)

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Mankovitz in view of Alexander. The Examiner further rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Mankovitz in view of Lett. These rejections are respectfully traversed.

Applicants' invention, as defined by amended independent claim 1, is directed to a method for intermittently downloading television program data to a user terminal. The user terminal is equipped with a data

receiver, a memory for storing television program data, an electronic program guide generator, a microprocessor and a display monitor for displaying a television program and an electronic program guide. The data receiver is normally powered off. The microprocessor is programmed to power the data receiver on to receive and store an instruction packet that includes information indicative of a later time for receiving the television program data. Based on the information, the microprocessor is programmed to control the data receiver to subsequently receive and store the television program data at the later time. The television program data is then transferred to the electronic program guide generator, where an electronic program guide is generated and displayed.

The Examiner contended that Mankovitz discloses all the features of applicants' claim 1 with the exception of "powering the data receivers on to intercept transmitted program data" as previously claimed. The Examiner then contended that Alexander and Lett both disclose this feature, and that it would be obvious to combine either with Mankovitz. *See Office Action, pages 3-7, points 4 and 5.*

Mankovitz

Mankovitz generally refers to apparatus and

methods for synchronizing a clock to a network clock. In one disclosed embodiment, time-of-day and length of time information for a television program is used to synchronize the clock calendar to the network clock.

See, e.g., Mankovitz, col. 1, line 59 - col. 2, line 63.

Without addressing whether or not Mankovitz discloses the previously claimed features of claim 1 indicated by the Examiner and as mentioned above, applicants respectfully submit that Mankovitz does not show or suggest the feature of powering a data receiver on to receive an instruction packet that includes information indicative of a later time for receiving television program data as recited in applicant's amended claim 1.

Alexander

Alexander generally refers to providing various improvements to electronic program guides ("EPGs"). These include, for example, improved viewer interaction capabilities with an electronic program guide, improved viewer control of video recording of programming, and improved features relating to electronic program guide display and navigation (*See, e.g., Alexander, col. 2, lines 3-20*). One particular EPG improvement shown in Alexander is a "watch scheduling function" that enables a viewer to generate a watch list of programs to view, and

that is further capable of automatically turning a television on and tuning to the programs on the watch list (*See Alexander, col. 9, line 64 - col. 10, line 12*).

Applicants respectfully submit that applicants' claim 1, as amended, is not rendered obvious in view of the combination of Mankovitz and Alexander. Although applicants' independent claim 1 may generally implicate the subject matter of Alexander, independent claim 1 patentably improves upon Alexander by providing the feature of powering a data receiver on to receive an instruction packet that includes information indicative of a later time for receiving television program data. Therefore, for at least the foregoing reasons with respect to Mankovitz and Alexander above, independent claim 1 is allowable over the combination of Mankovitz and Alexander.

Moreover, applicants respectfully submit that the Examiner has not provided a proper motivation for combining the cited teachings in Mankovitz with the cited teachings in Alexander. The Examiner merely states that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mankovitz to use the teaching as taught by Alexander in order to improve efficiency in data transmission and reduce power consumption" (*See Office Action, page 5, lines 1-4*). Since neither Mankovitz nor Alexander

substantiate an objective motivation required for properly combining the two cited references, applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness, and hence independent claim 1 is further allowable over the combination of Mankovitz and Alexander.

Lett

Lett generally refers to a subscription television system that transmits a plurality of television signals to a plurality of subscribers.

See, e.g., Lett, col. 2, line 64 - col. 3, line 19.

Applicants respectfully submit that amended claim 1 is not rendered obvious in view of the combination of Mankovitz and Lett since Lett also does not show or suggest powering a data receiver on to receive an instruction packet that includes information indicative of a later time for receiving television program data as required by claim 1. Rather, Lett discloses that after a subscriber terminal is turned off, the terminal enters an off mode, in which the terminal tunes to a default "off" channel and subsequently tunes to an electronic program guide ("EPG") data channel whenever possible in order to update television schedule listing information. In a preferred embodiment disclosed in Lett, the EPG data channel is tuned to every half hour

to obtain updates. After the update, the terminal retunes to the "off" channel. Therefore, Lett discloses that the system is turned "on" only to receive television program listing information. Nowhere does Lett make any mention of or suggest even the use of an instruction packet comprising information indicative of a later time for receiving television program data as required by applicants' claim 1. Thus, for at least the reason that neither Mankovitz nor Lett show or suggest this feature, independent claim 1 is allowable over the combination of Mankovitz and Lett. See Lett, col. 13, lines 4-30.

Further, applicants respectfully submit that the Examiner has not provided a proper motivation for combining the cited teachings in Mankovitz with those in Lett. The Examiner merely states that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mankovitz to use the teaching as taught by Lett in order to improve efficiency in data transmission and reduce power consumption" (See Office Action, page 7, lines 4-7). Since neither Mankovitz nor Lett substantiate an objective motivation required for properly combining the two cited references, applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness, and hence independent claim 1 is further allowable over the combination of Mankovitz and Lett.

V. New Claims 3-25

Applicants have added new claims 3-25. New claims 3-25 are fully justified and supported by the specification as originally filed. Claims 3-13, which depend either directly or indirectly from claim 1, are allowable for at the foregoing reasons for which claim 1 is allowable. Claims 14-25 are directed to a system for providing features similar to those of claims 1-13. Accordingly, claims 14-25 are also allowable.

VI. Conclusion

In view of the foregoing, applicants respectfully submit that this application, as amended, is now in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,

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